

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, ) CASE NO. 8:07CR369  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )  
                                  )  
MILTON HERNANDEZ,            )  
                                  )  
Defendant.                    )

This matter is before the Court on the Defendant's Notice of Appeal (Filing No. 149) and the Clerk's memorandum regarding in forma pauperis status (Filing No. 151). A motion for certificate of appealability was not filed. The Defendant appeals from the Order (Filing No. 148) denying his Motion to Revise Sentence (Filing No. 147). The Court construes the Defendant's Notice of Appeal as a request for a certificate of appealability, and the Court has reviewed the Defendant's arguments to determine whether he has made a substantial showing of the denial of a constitutional right. The Court determines that he has not.

Accordingly,

IT IS ORDERED:

1. The Defendant's Notice of Appeal, construed as a certificate of appealability (Filing No. 149) is denied;
2. The Defendant is not allowed to proceed in forma pauperis; and
3. The Clerk is directed to mail a copy of this Order to the Defendant as his last known address.

DATED this 17<sup>th</sup> day of July, 2013.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge